Remarks

Claims 1 and 2 are currently pending. No claims are amended, canceled, or added. Applicants request allowance of these claims in view of the following remarks.

Rejection under 35 U.S.C. § 103

The Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kawakita (JP 10285325A) in view of Wang (EP 0758775 A2). The Applicants respectfully traverse this rejection because Kawakita in view of Wang does not teach or suggest the claimed invention.

With regard to claim 1, the Examiner acknowledges that Kawakita is deficient for at least not disclosing "dividing text of at least one page of a facsimile into a plurality of blocks and analyzing each of the plurality of blocks to isolate at least one recipient block, wherein said recipient block is one of the plurality of blocks on at least one page of the facsimile." In fact, Kawakita teaches that the facsimile be converted into image data "in the units of pages," thereby teaching away from breaking the facsimile up into units of text blocks.

In an attempt to cure this deficiency of Kawakita, the Examiner has applied Wang as allegedly suggesting separating image data into blocks and extracting image data within a document page for further processing based on the different types of image data in the document page. At best, Wang discloses a block selection routine that breaks an image page up into blocks based on an identification of the type of data that is included in each block. For example, image data, text data, table data, and graph data may be separated from each other for subsequent processing. *See e.g.*, Wang at page 1, lines 11-15. In particular, Wang is drawn to a system for improved identification and processing of table data within an image. *See e.g.*, Wang at page 4 lines 6-9.

The Examiner alleges that one of ordinary skill in the art would have been motivated to combine the Kawakita with Wang "in order to distinguish between different types of image data in the document page." (Office Action, page 3, lines

16 and 17). However, the Kawakita does not include a reference to different types of image data, or a need to distinguish between such types. Further, the disclosure of Wang does not provide any motivation for distinguishing between different types of image data in a system like the one described in Kawakita.

The MPEP states that "the prior art must suggest the desirability of the claimed invention." MPEP § 2143.01. The Applicants submit that the references applied by the Examiner do not suggest such a desirability and there is no motivation to combine the references relied upon by the Examiner. Accordingly, claim 1 is patentable over the references relied upon by the Examiner.

Claim 2 includes features similar to those discussed above with regard to claim 1. Thus, for at least the reasons set forth above, claim 2 is patentable over the references relied upon by the Examiner.

Conclusion

A full and complete response has been made to the outstanding Office Action and, as such, the application is in condition for allowance. Notice to that effect is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Dated: August 6, 2004

Respectfully submitted,

Customer Number
29315
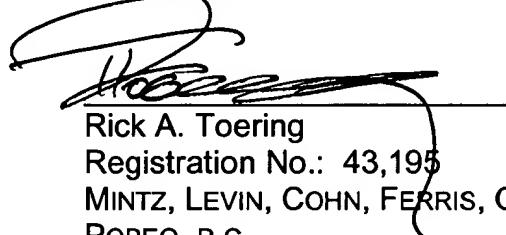
Rick A. Toering
Registration No.: 43,195
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C.
12010 Sunset Hills Road, Suite 900
Reston, Virginia 20190
703-464-4806

RES 117600v1